



COUNCIL CHAMBERS
17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS

Dennis Kennedy, Mayor
Mark Grzan, Mayor Pro Tempore
Larry Carr, Council Member
Greg Sellers, Council Member
Steve Tate, Council Member

REDEVELOPMENT AGENCY

Dennis Kennedy, Chair
Mark Grzan, Vice-Chair
Larry Carr, Agency Member
Greg Sellers, Agency Member
Steve Tate, Agency Member

WEDNESDAY, NOVEMBER 1, 2006

AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL AND REGULAR MEETING

and

REDEVELOPMENT AGENCY REGULAR MEETING

6:45 P.M.

A Special Meeting of the City Council is Called at 6:45 P.M. for the Purpose of Conducting an Interview.

Dennis Kennedy, Mayor

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

6:45 P.M.

City Council Action

INTERVIEW:

Time Estimate		Page
1. 5 Minutes	<u>INTERVIEW TO FILL A VACANCY ON THE LIBRARY, CULTURE & ARTS COMMISSION</u>	1
	<u>Recommended Action(s):</u>	
	1. Council <u>Discussion</u> About the Characteristics/Traits it is Seeking in Candidates to Serve on the Library, Culture & Arts Commission;	
	2. Council to <u>Conduct</u> Interview;	
	3. Council to <u>Recommend</u> Appointment; and	
	4. Mayor to <u>Return with Recommended</u> Appointment for Council Discussion and Ratification of Appointment;	
	OR	
	5. <u>Appoint</u> Candidate, if Deemed Appropriate.	

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT

Centennial Committee

PRESENTATIONS

PROCLAMATIONS

AAUW Anniversary

Donna Dicker & Judith Kinker

RECOGNITIONS

CITY COUNCIL REPORT

Council Member Sellers

CITY COUNCIL COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND PRESENT IT TO THE CITY CLERK.

(See notice attached to the end of this agenda.)

PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY COUNCIL/REDEVELOPMENT AGENCY.

City Council and Redevelopment Agency Action

ADOPTION OF AGENDA

City Council Action

CONSENT CALENDAR:

ITEMS 2-10 The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

2. **ACCEPTANCE OF HISTORIC CONTEXT STATEMENT FOR THE CITY OF MORGAN HILL..... 9**
Recommended Action(s): **Accept** the Historic Context Statement, with Modifications to be Made as Outlined in the October 25, 2006 Staff Report and as may be Identified and Directed by the Council.

3. **FINAL MAP APPROVAL VILLAS OF SAN MARCOS PHASE II-TRACT 9838 19**
Recommended Action(s):
 1. **Approve** the Final Map, Subdivision Agreement, and Improvement Plans;
 2. **Authorize** the City Manager to Sign the Subdivision Improvement Agreement on Behalf of the City; Subject to Review and Approval by the City Attorney; and
 3. **Authorize** the Recordation of the Final Map and the Subdivision Improvement Agreement Following Recordation of the Development Improvement Agreement.

4. **APPROPRIATE FUNDS FOR CHANGE ORDER FOR THE WILDLIFE BIKE TRAIL PROJECT..... 31**
Recommended Action(s): **Appropriate** \$45,000 in Additional Funds from the Current Year Un-Appropriated Parks Maintenance Fund (302).

5. **ACCEPTANCE OF SUBDIVISION IMPROVEMENTS FOR TRACT 9561, QUAIL CREEK PHASE III..... 35**
Recommended Action(s):
 1. **Adopt** Resolution Accepting the Subdivision Improvements Included in Tract 9561, Commonly Known as Quail Creek Phase III; and
 2. **Direct** the City Clerk to File a Notice of Completion with the County Recorder's Office.

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Time Estimate	
Consent Calendar: 1 - 10 Minutes	
6. <u>SUBSEQUENT DEVELOPMENT REIMBURSEMENT AGREEMENT WITH LATALA FAMILY LP FOR THE LANDS OF LATALA</u>.....	41
<u>Recommended Action(s): Approve</u> the Subsequent Development Reimbursement Agreement and <u>Authorize</u> the City Manager to Execute the Agreement on Behalf of the City; Subject to Review and Approval by the City Attorney.	
7. <u>APPROVAL OF FUNDING TO PREPARE A REVISED SEWER ASSESSMENT DISTRICT FEASIBILITY STUDY FOR THE COUNTY PORTION OF HOLIDAY LAKE ESTATES</u>.....	49
<u>Recommended Action(s): Appropriate</u> \$12,000 from the Current Year Un-Appropriated Sewer Operations Fund (640).	
8. <u>MORGAN HILL LIBRARY APPROVAL OF \$26,135 FOR ADDITIONAL DESIGN SERVICES TO ACCOMMODATE SANTA CLARA LIBRARY BOOK SORTING SYSTEM AND ESTABLISH AN ADDITIONAL SERVICE CONTENGENCY</u>.....	53
<u>Recommended Action(s): Authorize</u> Amendment of Contract Agreement with Noll & Tam to Provide the Redesign Services Necessary to Accommodate the Santa Clara County Book Sorting System. Amendment will also <u>Establish</u> an Additional Service Contingency for Unforeseen Issues that Could Arise During the Construction Phase.	
9. <u>COMMUNITY SPECIAL EVENT FUNDING REQUEST FOR HOLIDAY LIGHTS PARADE AND TREE LIGHTING CEREMONY</u>.....	55
<u>Recommended Action(s): Appropriate</u> \$2,900 to Morgan Hill Kiwanis for the Annual Holiday Lights Parade and Tree Lighting Ceremony.	
10. <u>ADOPT ORDINANCE NO. 1798, NEW SERIES</u>.....	61
<u>Recommended Action(s): Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1798, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO ORDINANCE NO. 1756, NEW SERIES, AMENDING THE DEVELOPMENT AGREEMENT FOR APPLICATION MP-04-14: CENTRAL-HU (DELCO) TO ALLOW FOR AN EIGHT MONTH EXTENSION OF TIME FOR OBTAINING BUILDING PERMITS AND A THREE MONTH EXTENSION OF THE COMMENCE CONSTRUCTION DATE FOR 19 ALLOCATIONS RECEIVED IN THE 2004 RDCS COMPETITION (APN 726-26-004).	

Redevelopment Agency Action

CONSENT CALENDAR:

ITEMS 11-12

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Time Estimate	
Consent Calendar: 1 - 10 Minutes	
11. <u>Y'A BON ESPRESSO BAR LEASE AMENDMENT</u>.....	67
<u>Recommended Action(s): Authorize</u> the Executive Director to <u>Negotiate, Prepare,</u> and <u>Execute</u> an Amended Lease Agreement with Y'a Bon, An Espresso Bar, LLC (Y'a Bon) to Allow Y'a Bon to Temporarily Stop Making Lease Payments from November 1, 2006 Through the End of Construction of Depot Street, Estimated by January 15, 2007; Subject to Review and Approval by the Agency Counsel.	

Time Estimate **Page**
Consent Calendar: 1 - 10 Minutes

12.	<u>FIRST QUARTER REPORT FROM THE CHAMBER OF COMMERCE ECONOMIC DEVELOPMENT PARTNERSHIP</u>	69
	<u>Recommended Action(s): Accept</u> the Report.	

City Council Action

PUBLIC HEARINGS:

Time Estimate			Page
13.	30 Minutes	<u>ZONING AMENDMENT APPLICATION, ZAA-05-11: CITY OF MORGAN HILL – DOWNTOWN ZONING AMENDMENTS</u>	75
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Motion to Waive</u> the Reading in Full of Ordinance Adding Chapter 18.23. Action- <u>Motion to Introduce</u> Ordinance by Title Only. (Roll Call Vote) Action- <u>Motion to Waive</u> the Reading in Full of Zoning Amendment Ordinance. Action- <u>Motion to Introduce</u> Ordinance by Title Only. (Roll Call Vote) Action- <u>Motion to Waive</u> the Reading in Full of Ordinance Amending Chapter 18.24. Action- <u>Motion to Introduce</u> Ordinance by Title Only. (Roll Call Vote) Action- <u>Motion to Waive</u> the Reading in Full of Ordinance Amending Chapter 18.54. Action- <u>Motion to Introduce</u> Ordinance by Title Only. (Roll Call Vote)	
14.	20 Minutes	<u>ZONING AMENDMENT, ZA-06-12: CITY OF MORGAN HILL – EXCEPTIONS AND MODIFICATIONS TEXT AMENDMENTS</u>	131
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Motion to Waive</u> the Reading in Full of Ordinance Amending Chapter 18.04. Action- <u>Motion to Introduce</u> Ordinance by Title Only. (Roll Call Vote) Action- <u>Motion to Waive</u> the Reading in Full of Ordinance Replacing Chapter 18.48. Action- <u>Motion to Introduce</u> Ordinance by Title Only. (Roll Call Vote) Action- <u>Motion to Waive</u> the Reading in Full of Ordinance Replacing Chapter 18.56. Action- <u>Motion to Introduce</u> Ordinance by Title Only. (Roll Call Vote) Action- <u>Motion to Waive</u> the Reading in Full of Ordinance Adding Chapter 18.57. Action- <u>Motion to Introduce</u> Ordinance by Title Only. (Roll Call Vote)	

City Council Action

OTHER BUSINESS:

	Time Estimate		Page
15.	10 Minutes	<u>RESOLUTION IN SUPPORT OF PROPOSITION 86 – TAX ON CIGARETTES INITIATIVE</u>	215
		<u>Recommended Action(s):</u>	
		1. <u>Consider</u> the Mayor’s Request to Adopt Resolution in Support of Proposition 86 – the Tax on Cigarettes Initiative; and	
		<u>Should the Council Support the Mayor’s Request</u>	
		2. <u>Adopt</u> Resolution in Support of Proposition 86.	
16.	20 Minutes	<u>REVIEW OF PROPOSED SANTA CLARA COUNTY LOCAL AGENCY FORMATION COMMISSION (LAFCO) AGRICULTURAL MITIGATION POLICIES</u>	249
		<u>Recommended Action(s):</u>	
		1. <u>Direct</u> Staff to Develop Open Space and Agricultural Lands Conversion Policies for the City; and	
		2. <u>Direct</u> the Mayor to Draft a Letter to LAFCO Informing the Commission of the City’s Intent, and Opposing LAFCO Adoption of its Proposed Mitigation Policies.	

City Council Action

CLOSED SESSION:

1.

CONFERENCE WITH LABOR NEGOTIATOR:

Authority:	Government Code Section 54957.6
Agency Negotiators:	City Manager; Human Resources Director
Employee Organizations:	Employees Covered under Management Resolution No. 6023

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON AGENDA

Following the opening of Council/Agency business, the public may present comments on items *NOT* appearing on the agenda that are within the Council's/Agency's jurisdiction. Should your comments require Council/Agency action, your request will be placed on the next appropriate agenda. No Council/Agency discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk/Agency Secretary for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

PUBLIC COMMENTS ON ITEMS APPEARING ON AGENDA

The Morgan Hill City Council/Redevelopment Agency welcomes comments from all individuals on any agenda item being considered by the City Council/Redevelopment Agency. Please complete a Speaker Card and present it to the City Clerk/Agency Secretary. This will assist the Council/Agency Members in hearing your comments at the appropriate time. Speaker cards are available on the table in the foyer of the Council Chambers. In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council/Agency. However, it is very helpful to the Council/Agency if speaker cards are submitted. As your name is called by the Mayor/Chairman, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council/Agency Commission are limited to three minutes. We appreciate your cooperation.

NOTICE

AMERICANS WITH DISABILITIES ACT (ADA)

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City. If you need special assistance to access the meeting room or to otherwise participate at this meeting, including auxiliary aids or services, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation. Please make your request at least 48 hours prior to the meeting to enable staff to implement reasonable arrangements to assure accessibility to the meeting.

If assistance is needed regarding any item appearing on the City Council/Agency Commission agenda, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

NOTICE

Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council/Agency Commission at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action by the City Council/Agency Commission which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.